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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/214,708	01/11/1999	MITSUMI ITANO	XI/P6217USO	8306
881	7590	07/20/2005	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			PERRIN, JOSEPH L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/214,708

Applicant(s)

ITANO, MITSUSHI

Examiner

Joseph L. Perrin, Ph.D.

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


Joseph L. Perrin, Ph.D.
Primary Examiner
Art Unit: 1746

Continuation of 11. does NOT place the application in condition for allowance because: applicant's arguments are not persuasive.

In response to applicant's arguments that claims 16-17 should not be withdrawn from consideration and should be examined in the present application, it is noted that applicant has failed to provide sufficient showing of how or why the original Election of Species is improper or why the non-elected species should now be examined when the original Election of Species was deemed proper as evidenced by applicant's failure to traverse the Election of Species upon election of the species C3F6 (claim 15) and non-election of species C3F6O (epoxy) & C3F6O. The Election of Species issued 12 September 2000 has not been withdrawn and has been maintained throughout prosecution. Moreover, in the non-final Office action of 31 August 2004, the Examiner clearly indicated the withdrawal of the non-elected species of claims 16-17. It is further noted that Applicant's response of 29 December 2004 is silent with respect to the non-elected species of claims 16-17. Thus, since the record is clear of the original Election of Species along with applicant's election, the original Election of Species is still deemed proper.

It is noted that applicant's submission of the ISAKI et al. document has not been entered because such document requires further consideration and applicant has failed to provide a showing of good and sufficient reasons why they are necessary and why they were not presented earlier. However, in order to advance prosecution, the Examiner has reviewed the ISAKI et al. abstract (English translation not provided by applicant) with regard to secondary considerations.

In response to applicant's arguments that the ISAKI et al. document provides evidence for unexpected results, this is not persuasive because there is nothing in ISAKI et al. that provides any evidence (i.e. comparative data) to negate the obviousness rejection of GABRIC in view of YANAGIDA or SONY CORP. As clearly indicated in the final Office action, GABRIC is cited for the teaching of plasma etching/cleaning of chambers with fluorinated carbons, for instance, CF₄ and C₂F₆. Thus, GABRIC teaches each and every limitation of applicant's claimed invention with the exception of using an unsaturated fluorocarbon (i.e. C₃F₆) instead of a saturated fluorocarbon (i.e. C₂F₆). Both YANAGIDA and SONY CORP. are cited for the teaching that it is known in the semiconductor cleaning art to use unsaturated fluorocarbons (i.e. C₃F₆) in place of saturated fluorocarbons due to the well-known dissociation of the double bond in unsaturated fluorocarbons (i.e. C₃F₆) which produces a higher etching rate, thus a more efficient cleaning. The position is taken that a person of ordinary skill in the art would immediately recognize that using an unsaturated fluorocarbon (i.e. C₃F₆) in place of a saturated fluorocarbon (i.e. C₂F₆) would achieve a higher etch rate (more efficient cleaning). In view of such teachings, there is nothing unexpected in achieving a higher etching rate with an unsaturated fluorocarbon (C₃F₆) in comparison with a saturated fluorocarbon (C₂F₆). Moreover, the position is taken that one of ordinary skill in the art at the time the invention was made would have a reasonable expectation of success in using an unsaturated fluorocarbon (C₃F₆) in place of a saturated fluorocarbon (C₂F₆) to provide a higher etch rate in chamber cleaning, thus providing a more efficient cleaning system. Accordingly, the rejection is maintained for these reasons and reasons of record.